

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JIM GARCIA,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

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**No. 22-1222 C
(Judge Holte)**

**DEFENDANT’S MOTION FOR AN ENLARGEMENT OF TIME
WITHIN WHICH TO FILE A CROSS-MJAR AND RESPOND TO PLAINTIFF’S MJAR**

Pursuant to Rules 6.1 and 16(b)(4) of the Rules of the United States Court of Federal Claims (RCFC), defendant, the United States, respectfully requests that the Court grant extensions of time in two respects: (1) a 28-day enlargement of time, up to and including July 18, 2023, within which to file its combined cross-motion for judgment on the administrative record (MJAR) and response to plaintiff’s MJAR; and (2) a corresponding extension of time for plaintiff to file a reply in support of his MJAR and response to the Government’s cross-MJAR. *See* Order, April 4, 2023, ECF No. 20. Our combined cross-motion and response is currently due on June 20, 2023. *See id.* This is defendant’s first request for an enlargement of time for this purpose. We have contacted plaintiff Jim Garcia, who indicated that he opposes our motion.

Good cause exists for granting this request because, despite our best efforts, we will be unable to complete and file our cross-motion and response by the current June 20 deadline. Mr. Garcia filed his MJAR on April 24, 2023. Since that time, the undersigned counsel has been diligently working on this matter and others. For example, undersigned counsel has been engaging in document review and production in *Ardon v. United States* (Fed. Cl. No. 22-562); and handling written, document, and deposition discovery in *Casaretti et al. v. United States*

(Fed. Cl. 15-00294), including preparing for and taking a deposition on May 22, with additional depositions scheduled for June 2, 5, and 8. Counsel of record has also been required to dedicate significant time to supplemental briefing in a bid protest—opening brief due on June 7, and a reply due on June 30, 2023—in *Utech, Inc. v. United States*, Fed. Cl. No. 22-1452. Undersigned counsel will also be required to dedicate significant time to another time-sensitive bid protest (*Construction Helicopters, Inc. v. United States*, Fed. Cl. 23-805), which was recently filed on June 1, 2023.

Additionally, regarding proceedings in other courts, counsel of record spent significant time preparing an opposition, due May 8, to a motion for judgment on the agency record in *Magnum Magnetics Corporation v. United States* (Ct. Int'l Trade 22-00254). And in *Icdas Celik Enerji Tersane Ve Ulasim Sanayi A.Ş. v. United States* (Ct. Int'l Trade 21-00306), the Court recently issued an order requiring the parties to consult and jointly advise on whether supplemental briefing is necessary and, if so, to file any such briefing by June 20, and undersigned counsel expects that briefing will be required.

As a result, counsel of record has been and will be required to devote much of his time to these endeavors. Accordingly, granting this request will ensure that we have sufficient time to prepare a combined cross-motion and response, allow for coordination with agency counsel, and permit us to comply with our internal policies.

For these reasons, we respectfully request the Court grant defendant's motion and extend the deadline to file a combined cross-MJAR and response to plaintiff's MJAR by 28 days, to and including July 18, 2023, and issue a corresponding extension of time for plaintiff to file a reply in support of his MJAR and response to the Government's cross-MJAR.

Respectfully submitted,

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Principal Deputy Assistant Attorney General

PATRICIA M. McCARTHY
Director

/s/ William J. Grimaldi
WILLIAM J. GRIMALDI
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June 2, 2023

Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 2nd day of June 2023, I caused a copy of the foregoing “DEFENDANT’S MOTION FOR AN ENLARGEMENT OF TIME WITHIN WHICH TO FILE A CROSS-MJAR AND RESPOND TO PLAINTIFF’S MJAR” to be served upon plaintiff through the Court’s electronic filing system.

s/ Daniel F. Roland
Daniel Francis Roland